

AGENDA MEMO

CITY COUNCIL MEETING OF: DECEMBER 2, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-36130 - APPLICANT: MARIA BONITA - OWNER: TETON DURANGO 2008, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Secondhand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed 1,355 square-foot suite to be used as a Secondhand Dealer use within an existing building on 1.93 acres at 8053 North Durango Drive, Suite #130. The subject site is developed with three existing structures, which are currently occupied. The proposed use of the site would be new to the area as there is not a similar use within 1,000 feet. The applicant is proposing to sell new and used clothing, as well as accessory items, such bags and purses. The proposed use is compatible with the surrounding area and meets the minimum Special Use Permit requirements for a Secondhand Dealer use; therefore, staff recommends approval of this request. Should the request be denied, Secondhand Dealer use would not be permitted at this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
02/05/03	The City Council approved a request for Annexation (A-0038-02) to annex undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b), containing approximately 495 acres. The Planning Commission recommended approval of the request.
01/24/06	A Code Enforcement case (#37811) was processed for a large dump truck repeatedly parking on the vacant lot. The case was closed by Code Enforcement on 03/10/06.
01/31/06	At the applicant's request this item was withdrawn without prejudice. The request was for a Special Use Permit (SUP-10815) for a proposed Auto Repair Garage, Minor at the southwest corner of Durango Drive and Ackerman Avenue. Staff recommended approval.
04/05/06	The City Council approved a Site Development Plan Review (SDR-10071) for a proposed 13,722 square-foot commercial development on 2.12 acres at the southwest corner of Ackerman Avenue and Durango Drive. The Planning Commission recommended approval of the request.
05/10/07	The Planning Commission denied a request for a Special Use Permit (SUP-20814) for a proposed Auto Title Loan with a Waiver to allow no distance separation from a residential property where 200 feet is required and a Waiver to allow a 1,288 square-foot establishment where 1,500 is the minimum square footage required on property located on the southwest corner of Durango Drive and Ackerman Avenue. Staff recommended denial.
09/10/09	The Planning Commission approved a Special Use Permit (SUP-35224) for accessory Package Liquor Off-Sale Establishment within a proposed 2,510 square-foot convenience store at 8053 North Durango Drive, Suite #160. Staff recommended approval of the request.

10/07/09	The City Council approved a request for a Special Use Permit (SUP-25224) for Accessory Package Liquor Off-sale within a proposed 2,510 square-foot convenience store at 8053 North Durango Drive, Suite #160. The Planning Commission and Staff recommended approval.
11/05/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #44/ao).
<i>Related Building Permits/Business Licenses</i>	
10/11/07	A building permit (#99632) was issued for an engineered design flood wall rear only at 8053 North Durango Drive. The permit has not received a final inspection.
03/30/09	A building permit (#7002791) was issued for a retail shell building certificate of completion at 8053 North Durango Drive. The permit has not received a final inspection.
09/10/09	A business license (Q06-00305) was issued for an engineering firm at 8053 North Durango Drive. The business license is still active.
10/01/07	A building permit (#7002792) was issued for onsite improvements at 8053 North Durango Drive. The permit expired on 03/29/08.
10/06/09	A business license (B20-01689) was issued for an office space at 8053 North Durango Drive. The business license is still active.
<i>Pre-Application Meeting</i>	
09/01/09	<p>A pre-application meeting was held with the applicant where element of submitting a Special Use Permit were discussed. Topics included:</p> <ul style="list-style-type: none"> • The applicant's provision of a parking ratio for a Secondhand Dealer use requirement per Title 19.04 and a parking analysis for the entire site. • The provision of a revised site plan is to include the square footage of all three buildings on site. • The exterior of the building appeared to be well-maintained.
<i>Neighborhood Meeting</i>	
10/26/09	A neighborhood meeting was held from 5:30 to 6:00 pm at the YMCA , Centennial Hills Community Center, Class Room #2, located at 6601 N. Buffalo Dr Las Vegas, Nevada 89131. There were two members from the development team, one member from the Council office and one staff member from the Department of Planning and Development. No members of the public attended.
<i>Field Check</i>	
10/01/09	During a routine site inspection performed by staff, the subject property was noted as a well maintained retail development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.93

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Development	PCD (Planned Community Development)	C-1 (Limited Commercial)
North	Single-Family Residences	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
South	Retail Development	PCD (Planned Community Development)	C-1 (Limited Commercial)
East	Single-Family Residences	PCD (Planned Community Development)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single-Family Residences	PCD (Planned Community Development)	R-PD7 (Residential Planned Development – 7 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Centennial Hills Sector Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Secondhand Dealer	1,355 sq. ft.	1:250	4		82	4	Y
Convenience Store	2,510 sq. ft.	1:175	14				

Commercial Recreation/Amusement (Indoor)	2,800 sq. ft.	1:200	14				
Restaurant, 2,000 S.F. or more (with drive-through)	2,513 sq. ft.	1:100	25				
General Retail (Less than 25,000 sq. ft.)	4,397 sq. ft.	1:175	25				
SubTotal	13575 sq. ft.		78	4	82	4	
TOTAL	13575 sq. ft.		82		86		Y

ANALYSIS

This is a request for a proposed 1,355 square-foot Secondhand Dealer use at 8053 North Durango Drive. According to Title 19.04.010 a “Secondhand Dealer” is defined as “a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind.” In the case of this establishment, the proposal is to sell primarily new and used clothing in addition to accessory items (purses, bags). The sale of secondhand goods by this applicant shall be limited to this location, and there are no other Secondhand Dealer uses within 1,000-feet. The hours of operation will be 9:00am to 8:00pm seven days a week. Title 19 does not contain any minimum separation distance requirements that apply to the proposed Secondhand Dealer use. As such, the project complies with all Title 19 requirements; therefore, staff recommends approval of this Special Use Permit.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with the PCD (Planned Community Development) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The proposed Secondhand Dealer use will be located in an existing retail development, which is physically suitable for the type and intensity of the land use proposed.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Access to the site is via a driveway from Durango Drive, which is classified as a 100-foot wide Primary Arterial according to the Master Plan of Streets and Highways, and is adequate to facilitate the traffic generated by the proposed use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Approval of this Special Use Permit will not compromise public health, safety, or welfare as the proposed Secondhand Dealer use will be subject to regular inspections.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Secondhand Dealer use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 503 by City Clerk

APPROVALS 0

PROTESTS 2